IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No. 1385 of 2006
With
CIVIL APPLICATION No. 12223 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE ANIL R. DAVE
HONOURABLE MS.JUSTICE H.N.DEVANI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUJARAT WATER SUPPLY AND SEWERAGE BOARD - Appellant(s)
Versus
AGRICULTURAL AND RURAL LABOUR ASSOCIATION - Respondent(s)

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Appearance :
MR DG CHAUHAN for Appellant(s) : 1,
MR NIKHIL D JOSHI for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE ANIL R. DAVE

and

HONOURABLE MS.JUSTICE H.N.DEVANI

Date : 23/01/2007

ORAL JUDGMENT

(Per : HONOURABLE MR.JUSTICE ANIL R. DAVE)

1. **ADMIT**. Learned advocate Shri Nikhil Joshi waives service of notice for the respondent and at the request of the learned advocates, the appeal is finally heard today.

2. The only apprehension, which learned advocate Shri Chauhan appearing for the appellant has ventilated, is that in the event of filing an application seeking alteration of any of the service conditions of any of the workmen, under Section 33 of the Industrial Disputes Act, the Industrial Tribunal might be influenced by the interim order dated 24th August, 2006 passed in Reference (IDN) No. 17/2005 below Exh. 8, and in that event, appropriate order might not be passed by the Tribunal, though the learned Single Judge has specifically observed in order dated 20th September, 2006 passed in Special Civil Application No. 20083/2006 that it would be open to the appellant to approach the Tribunal with an appropriate application under Section 33 of the Act.

3. In our opinion, once the learned Single Judge has granted permission to the appellant to file an application under Section 33 of the Act, it would surely mean that the application, which might be filed, shall be considered and decided objectively without being influenced by the order of status-quo

granted by the Tribunal dated 24th August, 2006. Thus, even if the order of status-quo has been passed by the Tribunal by way of an interim order, if an application under Section 33 of the Industrial Disputes Act is filed by the appellant, the said application shall be decided on merits without being influenced by the interim order dated 24th August, 2006 passed by the Tribunal below Exh. 8 in Reference (IDN) No. 17/2005. With the aforestated clarification, the appeal stands disposed of.

4. In view of disposal of the appeal, the Civil Application does not survive, and it is, therefore, disposed of accordingly.

(ANIL R. DAVE, J.)

(HARSHA DEVANI, J.)

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